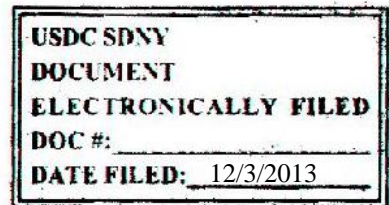


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By ECF

December 1, 2013

MEMO ENDORSED

The Honorable J. Paul Oetken  
United States District Court  
40 Foley Square  
New York, New York

Re: Gavigan v. Sterling Mets LP and Others  
13 CV 4550 (JPO)

Your Honor:

This office represents Plaintiff in this diversity action alleging serious personal injury when a Defendant Mets' employee pushed Ms. Gavigan down a flight of stairs. See Docket 16 at ¶¶15-19.

By Orders dated October 16, 2013 (DE14) and November 8, 2013 (DE17), the Court directed that Plaintiff, to adequately plead complete diversity, amend her complaint to properly identify the citizenship of the business entities and individual partners comprising Defendant Sterling Mets, L.P.

Because defense has not provided the required information despite Plaintiff's diligent efforts, we write seeking Your Honor's assistance in compelling such disclosure so that Plaintiff can meet her obligations under the November 8, 2013 Order. Plaintiff first sought the information informally and then by an October 25, 2013 Local Rule 26.1 Demand. To date, despite repeated emails and telephone conversations, defense has not satisfactorily identified the various business entities and individuals, without which Plaintiff cannot properly amend her pleading.

Plaintiff respectfully requests that Your Honor hold a conference by telephone or otherwise to address and resolve this issue. The Court's two Orders are attached hereto as Exhibit 1, along with Plaintiff's Local Rule 26.1 Demand (Exhibit 2) and excerpts of emails regarding Plaintiff's efforts to obtain compliance (Exhibit 3).

The Honorable J. Paul Oetken  
December 1, 2013  
Page 2

In response to the Court's October 16, 2013 Order, counsel spoke and Plaintiff thereafter served her Rule 26.1 Demand. In response, defense identified the Sterling Mets, L.P.'s limited partner as Mets Limited Partnership ("Mets Limited"), a Delaware limited liability partnership, and identified C.D.S. Corporation as the general partner of Mets Limited and Mets Holdco, LLC as the limited partner of Mets Limited. See Exh. 3 at p.2. Plaintiff thereafter amended her complaint (DE16) to include this information.

The Court's November 8, 2013 Order found the amendment inadequate and directed that Plaintiff plead the "citizenship of every single partner in Sterling Mets, L.P." Exh.1: DE17 at p.2

Plaintiff wrote defense on November 12, 2013, asking that, in compliance with the Court's Order and the Rule 26.1 Demand, Defendants provide the "citizenship of every single partner in Sterling Mets, L.P." and to disclose the "citizenship of the individuals making up the business entities, not just the citizenship of the business entities." Exh.3 at p.3. Plaintiff wrote again on November 19, and, on November 20, 2013, defense reported that it now had the necessary information, to wit, that the "only limited partner ... is Mets Limited Partnership." Id at p.5.

Plaintiff wrote on November 21, 2013 that we were "not satisfied that [defense] has disclosed the necessary information. See, e.g., 'The Mets Delicate Dance With a Billionaire,' New York Times November 5, 2013 (indicating '12 minority partnerships')." Exh.3 at p.6. We again asked for the citizenship of every single partner of Sterling Mets, L.P. Id. I spoke with defense counsel on November 22 to confirm receipt of the email and to attempt to obtain compliance. He advised that he would seek additional information from his client, and we scheduled a followup conversation for November 26. We spoke that day and defense reported that he had not heard back from his client and we agreed to speak on November 27. We spoke that day, but defense reported he still had no word from the Sterling Mets, L.P. regarding the citizenship of every single partner. I advised that we would write the Court.

Plaintiff respectfully requests that Your Honor hold a conference regarding compelling disclosures needed for Plaintiff to meet her obligations under the November 8, 2013 Order.

Respectfully submitted,



Matthew Flamm

cc: Jordan Schur  
By ECF

A phone conference will be held on Friday, December 6, 2013 at  
10:30 AM. The parties shall jointly call chambers at 212-805-0266.

12/2/13



J. PAUL OETKEN  
United States District Judge